

REMARKS

Applicants thank the Examiner for the careful consideration of this application. Claims 1-19 are currently pending. Claim 1 has been amended. New claims 15-19 have been added. Based on the foregoing amendments and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Objections to the Specification

In paragraph 1 of the Office Action, the Examiner objected to the Abstract for exceeding 150 words. The Abstract has been amended to overcome this objection.

Rejections under 35 U.S.C. § 101

The Examiner rejected claims 10 and 11 under 35 U.S.C. § 101 for allegedly embracing two different statutory classes of invention. Applicants respectfully traverse this rejection, and respectfully refer the Examiner to MPEP § 2173.05(q) and *Ex parte Porter*, 25 U.S.P.Q.2d 1144 (Bd. Pat. App. & Inter. 1992), both of which approve “utilizing” claims like claims 10 and 11.

Rejections under 35 U.S.C. § 112

Claims 1-14 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. In particular, the Examiner stated that the language of the claims was not true in view of the operation of the disclosed apparatus. The Examiner proposed alternative claim language to overcome the apparent inconsistency. Claim 1 has been amended to include a variation of the Examiner’s proposed language. Accordingly, Applicants respectfully request withdrawal of this rejection.

Claims 10 and 11 stand rejected as being indefinite for allegedly failing to recite any process steps, thus rendering their scope unclear. As discussed above in connection with the rejections under 35 U.S.C. § 101, Applicants respectfully traverse this rejection, and respectfully refer the Examiner to MPEP § 2173.05(q) and *Ex parte Porter*, 25 U.S.P.Q.2d 1144 (Bd. Pat. App. & Inter. 1992).

Rejections under 35 U.S.C. § 103

Claims 1, 4-8, and 10-13 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,393,196 to Bluemle in view of U.S. Patent No. 4,824,093 to Belden. Applicants respectfully traverse this rejection in view of the amendments to claim 1.

Claim 1, as amended, recites an arrangement for producing stack bundles from signatures, comprising, *inter alia*, a “third support element arranged to be raised in a first location to act on the front end of the stack and in a second location to act on the front end of the stack bundle.” Bluemle does not disclose or suggest an apparatus having such an arrangement. While the third stack holder 12 of Bluemle does appear to act on the front end of the stack bundle 11 (*see, e.g.*, Bluemle at Fig. 5), at no point does stack holder 12 act on the front end of the stack 10. Nor do any of the other stack holders of Bluemle act on the front end of the stack as well as on the front end of the stack bundle. Belden does not provide the missing disclosure. Accordingly, no combination of Bluemle and Belden discloses or suggests each and every feature of independent claim 1. Therefore, Applicants respectfully submit that claim 1 is patentable over Bluemle and Belden. Claims 4-8, and 10-13 depend from claim 1, and are patentable for the same reasons, as well as for reciting additional features.

Claim 2 stands rejected under 35 U.S.C. § 103(a) as being obvious over Bluemle in view of Belden further in view of U.S. Patent No. 5,358,232 to Arendes et al. Claim 2 depends from independent claim 1, which, as demonstrated above, is patentable over Bluemle and Belden, and Arendes does not provide the missing disclosure. Accordingly, Applicants respectfully submit that claim 2 is patentable over any combination of Bluemle, Belden, and Arendes.

Claim 3 stands rejected under 35 U.S.C. § 103(a) as being obvious over Bluemle in view of Belden further in view of alleged "Applicant Admitted Prior Art." Claim 3 depends from independent claim 1, which, as demonstrated above, is patentable over Bluemle and Belden, and the alleged "Applicant Admitted Prior Art" does not provide the missing disclosure. In addition, Applicants disagree that the specification admits that the claimed apparatus is prior art. Applicants respectfully request withdrawal of this rejection.

New Claims 15-20

New claims 15-19 have been added to further define the invention. New independent claim 15 recites an arrangement for producing stack bundles from signatures, comprising, *inter alia*, a supporting device adapted to form a stack bundle having a front end and a back end, the supporting device comprising a first support element adapted to rise from below the stack deposit support and act on the front end of the stack, a second support element adapted to rise from below the stack deposit support and act on the back end of the stack bundle, and a third support element arranged to rise from below the stack deposit support in a first location to act on the front end of the stack and in a second location to act on the front end of the stack bundle. None

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of the cited references, whether considered alone or in combination, discloses or suggests such an arrangement. Accordingly, Applicants respectfully submit that claims 15-19 are patentable over the cited references.

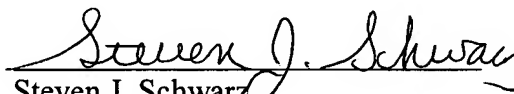
Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants, therefore, respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Respectfully submitted,

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